

ARTICLE 139 *CLAIMS*

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SOURCES OF LAW

- Art 139, UCMJ
- Chapter 9, AR 27-20 and
DA PAM 27-162
- AR 15-6
- DoD FMR, Vol 7A, Table 50
(Jan 2010).



IMPROPER CLAIMANTS

- Appropriated Fund Entity
- Non Appropriated Fund
(NAF) Entity



COGNIZABLE CLAIMS

- Property Willfully Damaged
- Property Wrongfully Taken



PROBLEM AREAS

- Breach of Fiduciary Duty & Contract Disputes
- Approval of Non Cognizable Claims
- Disapproval of Cognizable Claims
- Payment by DFAS after approval



PROCEDURES

- Time Limit: 90 Days After Incident
- Written Claim
- Legal Review to Determine if Cognizable
- Appoint 15-6 IO
- Review Findings and Recommendations
- Action by SPCMA
- Request for Reconsideration



LIMITS OF APPROVAL AUTHORITY

- SPCMA: \$5,000
- GCMCA: \$10,000
- USARCS: More than \$10,000



NEW REG & PAM

- ✓ All changes intended to Clarify language of Chapter 9 of old Reg and Pam, not to change rules as they were before March 2008



March 2008 Reg & PAM

- ✓ New paragraph 9-3 added, “Proper Claimants”
- ✓ Para 9-5: breach of fiduciary duty cognizable if it constitutes larceny, forgery, etc.
- ✓ Para 9-5: Extreme DWI is cognizable
- ✓ Para 9-7 & 9-8: SPCMCA can forward claim if will convene court martial for same incident (based on change to UCMJ & AR 27-20)
- ✓ Para 9-8: CA not bound by findings of IO



PAYMENT

- DoD Financial Management Regulation, DoD 7000.14-R, Volume 7A, Table 50-5



PAYMENT AFTER COURT MARTIAL

- DoD FMR, Volume 7A, paragraph 4811201
- Soldier paid as E-1 until discharge

Forfeitures go to Armed Forces retirement Trust Fund, unless debts owed



PAYMENT AFTER COURT MARTIAL

- ➔ 481201. Separation From Service Not Involved. When enlisted members, warrant officers or limited duty officers have been sentenced by court martial to forfeit all or part of their pay, no part of the forfeiture is creditable to Armed Forces Retirement Home Trust Fund until amounts equal to all outstanding indebtedness to the government have been withheld. Transfer only those amounts forfeited that are in excess of any government indebtedness or amounts owed any individuals. In addition, for the purposes of this paragraph, the term “amounts owed any individuals” refers to amounts owed from a member’s pay by direction of a commanding officer pursuant to **Article 139 of the UCMJ.**

